



2026:PHHC:040082

FAO-2486-2001 & FAO-2485-2001

[1]

2026:PHHC:040082



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**(i) FAO-2486-2001**

**Satinder Kaur**

**...Appellant**

Versus

M/s Jaina & Co. and others

...Respondents

**(ii) FAO-2485-2001**

**Harinder Singh**

**...Appellants**

Versus

M/s Jaina & Co. and others

...Respondents

**Reserved on: 11.03.2026**

**Pronounced on: 16.03.2026**

**Pronounced fully/operative part: Fully**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued by: Mr. Divyanshu Bansal, Advocate for  
Mr. J.S. Thind, Advocate for the appellant.

Mr. Shubham Gupta, Advocate for  
Mr. D.P. Gupta, Advocate for respondent No.3.

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**DEEPAK GUPTA, J.**

These two appeals have been filed against the common award dated 22.01.2001 passed by the Motor Accident Claims Tribunal, Patiala, whereby separate claim petitions arising out of the same motor vehicular accident were disposed of.

2. The appellants before this Court are husband and wife, both of



FAO-2486-2001 &amp; FAO-2485-2001

[2]

2026:PHHC:040082



whom sustained injuries in a motor vehicular accident that occurred on 24.02.1997. As per their case, they along with Bachittar Singh were travelling in a Maruti car bearing registration No. PB-10-D-843 from Rajpura towards Patiala. The car was allegedly being driven by claimant Harinder Singh at a normal speed on the correct left side of the road. When they reached near village Kauli, a Jeep bearing registration No. HP-12-2417, driven by respondent No.2 Ravinder Kumar, allegedly came from the opposite direction in a rash and negligent manner, entered the wrong side of the road and collided with the Maruti car. Besides the appellants, another occupant namely Bachittar Singh also sustained injuries in the accident. The injured were shifted to Rajindra Hospital, Patiala and an FIR was registered against the jeep driver.

3. In their respective claim petitions, both appellants described the injuries sustained by them and the medical expenses incurred on their treatment. Each of them sought compensation to the tune of ₹10,00,000/- from driver, owner and insurer of the Jeep.

4. Apart from these petitions, Harinder Singh also filed a separate claim petition seeking compensation for the damage caused to the Maruti car.

5. Respondents No.1 and 2 (driver and owner of the Jeep) filed a joint written statement. While admitting the occurrence of the accident, they denied that the same was caused due to rash and negligent driving of



FAO-2486-2001 &amp; FAO-2485-2001

[3]

2026:PHHC:040082



respondent No.2. Their case was that the Maruti car was actually being driven by Bachittar Singh, an SPO, who was under the influence of liquor and was driving in a rash and negligent manner. According to them, Bachittar Singh attempted to overtake a truck coming from the Rajpura side and, in that process, struck the Maruti car against the jeep being driven by respondent No.2 on the correct side of the road. It was further pleaded that the owner and insurer of the Maruti car had not been impleaded and that the driver of the car was not holding a valid driving licence.

6. The insurance company also contested the claim petitions by raising statutory defences and asserting that the driver of the jeep was not holding a valid and effective driving licence and that the petitions suffered from non-joinder of necessary parties.

7. Upon appreciation of the pleadings and the evidence led by the parties, the learned Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the Maruti car and not the jeep. Consequently, although it was proved that the claimants had sustained injuries in the accident, the Tribunal dismissed their claim petitions as the driver, owner and insurer of the Maruti car had not been impleaded as parties.

8. Assailing the aforesaid award, learned counsel for the appellants contends that the learned Tribunal gravely erred in appreciating the evidence on record. It is argued that undue reliance has been placed



FAO-2486-2001 &amp; FAO-2485-2001

[4]

2026:PHHC:040082



upon the judgment of the criminal Court (*Ex.R10*), whereby respondent No.2 was acquitted, whereas the findings recorded in a criminal case cannot be treated as determinative in civil proceedings. It is further submitted that the Tribunal erred in relying upon photographs Ex.R1 to Ex.R3, as the same were admittedly taken a day after the accident and the position of the vehicles had already been altered. It is further argued that the Tribunal failed to properly appreciate the eye-witness account of AW1 Harinder Singh and AW2 Satinder Kaur, both of whom were injured occupants of the vehicle, and instead placed reliance upon the interested testimony of RW4 Ravinder Kumar, the jeep driver. It is also submitted that the Tribunal wrongly inferred, on the basis of injuries sustained by Bachittar Singh, that he might have been driving the car.

9. *Per contra*, learned counsel for the respondents submits that the findings recorded by the Tribunal are based on a proper appreciation of the evidence on record and do not suffer from any perversity warranting interference by this Court.

10. I have heard learned counsel for the parties and have carefully perused the record.

11. From the record, it emerges that the claimants examined four witnesses. AW1 Harinder Singh and AW2 Satinder Kaur, who were occupants of the car and themselves injured in the accident, deposed in terms of the case set up in the claim petitions. AW3 Dr. Rajinder Sharma



proved the injuries sustained by the claimants, while AW4 Amarjit Singh was examined as the surveyor who assessed the damage to the vehicle.

12. On the other hand, the respondents examined RW1 Dr. Ramesh Kumar Goel, RW2 Nirmal Singh who proved the photographs of the spot Ex.R1 to Ex.R3, RW3 Manoj Kumar who proved documents relating to the criminal proceedings, and RW4 Ravinder Kumar, the driver of the jeep, who deposed regarding the manner in which the accident occurred.

13. The Tribunal, while analysing the evidence, placed reliance upon the site plan prepared during the criminal investigation, which indicated that the point of impact was at the extreme left side of the road, if one proceeds from Patiala towards Rajpura. This circumstance suggested that the jeep was being driven on its correct side of the road and that the collision occurred when the Maruti car came towards the wrong side while overtaking another vehicle.

14. The Tribunal also considered the photographs Ex.R1 to Ex.R3 produced by the respondents. Although it was argued that the photographs had been taken on the next day and that the Maruti car had been shifted to the kacha berm, the Tribunal observed that the jeep had not been moved from its original position and that the place of accident remained identifiable.

15. Further, the medical evidence relating to Bachittar Singh indicated that he had suffered serious abdominal injuries which, according



FAO-2486-2001 &amp; FAO-2485-2001

[6]

2026:PHHC:040082



to the medical witness, could be caused by impact with the steering wheel. Considering that the collision had taken place on the driver's side of the vehicles, the Tribunal found it probable that Bachittar Singh might have been driving the Maruti car at the time of the accident.

16. Significantly, despite the respondents having specifically pleaded that Bachittar Singh was driving the car, he was not examined as a witness by the claimants, even though he was admittedly present in the vehicle and had sustained injuries. In such circumstances, the Tribunal rightly drew an adverse inference against the claimants under Section 114 illustration (g) of the Evidence Act.

17. It is well settled that proceedings before the Motor Accident Claims Tribunal are summary in nature and the claimants are only required to establish their case on the touchstone of preponderance of probabilities. In ***Bimla Devi v. Himachal Road Transport Corporation, 2010 (1) SCC (CRI) 1101***, the Hon'ble Supreme Court held that strict rules of evidence are not required to be applied in such proceedings and negligence can be inferred from the surrounding circumstances.

18. At the same time, it is equally settled that an appellate Court would ordinarily be slow to interfere with findings of fact recorded by the Tribunal unless such findings are shown to be perverse or based upon misreading of evidence. In ***Sudhir Kumar v. Surinder Singh, 2008 (12) SCC 436***, the Hon'ble Supreme Court observed that where the Tribunal has



FAO-2486-2001 &amp; FAO-2485-2001

[7]

2026:PHHC:040082



appreciated the evidence and arrived at a plausible conclusion, the High Court should not substitute its own view merely because another view may also be possible.

19. Similarly, in *N.K.V. Bros. (P) Ltd. v. M. Karumai Ammal, 1980 SCR (3) 101*, the Supreme Court emphasised that although tribunals dealing with accident claims must adopt a pragmatic approach to ensure that genuine victims are compensated, the determination of negligence must still be based upon the material available on record.

20. In the present case, the Tribunal has examined the entire evidence including the site plan, the photographs of the place of occurrence, the medical evidence regarding the injuries sustained by the occupants, and the testimony of the witnesses produced by both sides. The conclusion reached by the Tribunal that the accident occurred due to rash and negligent driving of the Maruti car driver cannot be said to be perverse or unsupported by the evidence on record.

21. Once the Tribunal recorded a categorical finding that the accident occurred due to negligence of the Maruti car driver, the claim petitions filed against the driver, owner and insurer of the jeep were rightly dismissed, particularly when the driver, owner and insurer of the Maruti car had not been impleaded as parties.

23. It may also be noticed that the findings recorded by the learned Tribunal are pure findings of fact arrived at after a detailed



FAO-2486-2001 &amp; FAO-2485-2001

[8]

2026:PHHC:040082



appreciation of the oral as well as documentary evidence produced by the parties. It is well settled that the High Court, while exercising appellate jurisdiction under Section 173 of the Motor Vehicles Act, does not ordinarily interfere with such findings unless the same are shown to be perverse, based upon misreading of evidence or suffering from patent illegality.

24. In the present case, learned counsel for the appellants has not been able to point out any material illegality or perversity in the appreciation of evidence by the Tribunal. The view taken by the Tribunal is a plausible and reasonable view arising from the evidence available on record. Merely because another view may also be possible would not justify interference by this Court in appellate jurisdiction.

25. This Court, therefore, finds no ground to interfere with the well-reasoned findings recorded by the Tribunal.

26. Consequently, finding no merit in the present appeals, both the appeals are hereby dismissed.

**16.03.2026***Yogesh/ Jiten***(DEEPAK GUPTA)****JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No

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